

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Indian Health Service
Rockville Maryland 20857

Refer to: OMS/DHR

INDIAN HEALTH SERVICE CIRCULAR NO. 98-01

**TIME AND ATTENDANCE FOR IHS HEADQUARTERS
NON-BARGAINING UNIT EMPLOYEES**

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1. **PURPOSE.** This Circular establishes time and attendance requirements and work schedule options for Indian Health Service (IHS) employees at IHS Headquarters offices who are not covered by negotiated agreements. These requirements apply only to non-bargaining unit employees at work sites in Rockville, Maryland; Albuquerque, New Mexico; Dallas, Texas; Seattle, Washington, and San Francisco, California, in supervisory and staff positions. '
2. **BACKGROUND.** Labor/management agreements usually stipulate traditional time and attendance requirements as well as Alternative Work Schedules (AWS) allowed for employees covered by the agreements. Approximately 52 percent of the Headquarters workforce are not covered by labor/management agreements. Managers have expressed uncertainty that they could extend the same time and attendance options that are accorded to bargaining unit employees (BUE) to the non-bargaining unit employees in their work units.

Date: 02/25/98

This Circular conveys time and attendance options that managers may extend to non-bargaining unit employees. These options are consistent with the options generally available to employees under negotiated labor/management agreements.

3 CUSTOMER SERVICE HOURS AND CORE TIME BANDS

- A. Customer Service Hours The Headquarters customer service hours are 8:30 A.m. to 5 p.m. Managers are responsible for ensuring that an appropriate number of staff are available during these hours to provide telephone and visitor walk-in coverage for their offices.
- B. Core Time Bands The time periods from 9:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:30 p.m. are the core time bands in each workday. All Headquarters employees, regardless of their work schedules, must be available for conducting their duties and responsibilities during these core time bands unless the employee is in an approved leave status.

4. Standard Report /Departure Time. The standard arrival and departure times for Headquarters employees are:

Arrival:	7:00 a.m.	to 9:30 a.m.
Lunch:	11:30 a.m.	to 1:30 p.m.
Departure:	3:30 p.m.	to 6:00 p.m.

Managers are authorized to approve an arrival time of no earlier than 6:00 a.m. for employees at duty stations other than Rockville, Maryland, or for employees who are approved to participate in one of the compressed work schedules (MS) detailed in Section 6.B or Section 6.C of this Circular.

5. STANDARD WORKDAY, REST PERIODS, WORKWEEK, AND PAY PERIOD

- A. Workday. The standard workday for full-time employees (FTE) is 8 hours per day. Employees are entitled to a 30-minute unpaid lunch break that must be taken between 11:30 a.m. and 1:30 p.m. Employees must fulfill the 8-hours per workday requirement by 6 p.m.
- B. Rest Periods. All Headquarters employees are accorded one 15-minute rest period during each half of each workday that the employee is on duty. One rest period is allowed for every 2 hours that an employee is on duty. Employees may not combine rest periods with lunch periods or approved leave, or take rest periods at the beginning or the end of the workday.

C. Workweek. The standard workweek for full-time employees is 5 days, Monday through Friday, for 40 hours . .

D. Pay Period The pay period for all full-time employees' is 80 hours within two workweeks.

6. Alternative Work Schedules/Compressed Work Schedules

Non-bargaining unit employees may elect to participate in an AWS or a CWS, provided that coverage during the customer service hours established in Section 3.A above is maintained in the work unit during each of the standard workdays. Employees must obtain approval for AWS and CWS at least 3 weeks in advance of the preferred effective date. An AWS and CWS may only be effected at the beginning of a pay period, and once approved, is effective for a minimum of two pay periods.

Changes to approved AWS and CWS, including modifications and cancellations, may be effected in less than two pay periods only when extenuating circumstances exist. In such cases, the effective date must be mutually agreed upon between the employee and his/her immediate supervisor.

A. Flexitime schedule-. Employees who select this AWS would maintain a traditional 5 day, 40 hours per workweek schedule. The employees may arrive and depart their work units at any time during the arrival and departure time bands listed in Section 4 above.

Each of the 5 workdays must be 8 hours, excluding one 30-minute lunch break.

B. Compressed Work Schedule 5-4-9. This CWS allows employees to fulfill their required 80 hours per pay period by working one a-hour and eight 9-hour workdays.

Each workday excludes one 30-minute lunch break. One workday in each pay period is designated as a personal day off.

C. Compressed Work Schedule 4-10. Under the 4-10 CWS, employees fulfill the required 80 hours per pay period by working four 10-hour workdays each workweek. Each workday excludes one 30-minute lunch break. Under this CWS, each participating employee selects one weekday that will be his/her personal day off during each week of the pay period.

Other AWS/CWS may be approved as allowed by law and regulation, provided that the requesting employee is able to fulfill the minimum number of hours required in a pay period.

The work schedules of employees who re scheduled to attend training or who plan to be in ravel status during a pay period may be required to revert, to the hours of the training course or to the work hours of the location where the travel is performed. This means that when an employee is scheduled to be in training or on travel during the second week of a pay period, he/she may be required to work five a-hour days during the first workweek of the pay period, and five a-hour days during the second workweek of the pay period.

7. **Overtime Compensatory Time and Credit Hours-** Overtime is work performed in excess of 80 hours per pay period in pay status, and/or in excess of the regularly scheduled hours in a workday. Overtime must be officially directed by a supervisor and approved in advance by an official delegated the authority to approve overtime. In order to avoid any perception of favoritism in scheduling and approving overtime, managers must equitably assign overtime work taking into consideration the workload and qualifications of all employees in the work unit.

Overtime, accrual of Compensatory Time and accrual of credit hours may not be performed on days that accrued annual leave, sick leave, leave without pay, compensatory time, or credit hours are used by the employee.

Overtime, Compensatory Time, and credit hours are not approved if there are a sufficient number of regularly scheduled work hours available to the employee to complete the project deliverable by established due dates.

Requests for approval of overtime while employees are in travel status must be carefully scrutinized by managers. Only under very limited circumstances may overtime, or compensatory time in lieu of overtime pay, be approved during travel status. Managers are reminded that travel should be arranged during the hours in a standard workday.

- A. **Overtime Pay** General Schedule employees who are covered by the Fair Labor Standards Act (FLSA) must elect to earn compensatory time instead of overtime payment. General Schedule employees who are not covered by the FLSA may be required to earn compensatory time in lieu of overtime payment.

- B. Compensatory Time Off Employees who elect to work, or who are assigned to work compensatory time, earn compensatory time at the rate equal to the time worked. Compensatory time is accrued in 15-minute increments. Managers are responsible for ensuring that employees use accrued compensatory time within 8 pay periods.
 - C. Credit Hours Employees may elect to earn credit hours in lieu of overtime patient or compensatory time. Such requests must be approved in advance by the employee's immediate supervisor. Credit hours are earned equal to the amount of time worked and may be earned in 15-minute increments. Employees may earn no more than 90 minutes of credit time per workday and are responsible for tracking credit hours accrued and available, and for obtaining prior approval from immediate supervisors before using credit hours. No more than 24 credit hours may be carried over from one pay period to the next.
8. LEAVE. Employees may use accrued annual and sick leave, compensatory time, earned credit hours, or be granted leave without pay, in increments of fifteen minutes. All requests for leave must be made using the SF-71, "Application for Leave." The SF-71 must be submitted as far in advance as possible by the requesting employee directly to his/her immediate supervisor, or other individual designated as the employee's leave approving official.

Supervisors are responsible for being aware of employees' available leave balances to ensure appropriate approval of leave requests. Employees who are on leave restriction may not be advanced sick and/or annual leave.

To keep disruptions to a minimum, the following procedures for employees to request and use leave are established:

- A. Unscheduled leave. Supervisors must consider emergency leave requests on a case by-case basis. Employees must request approval of unscheduled leave within one hour after the start of their scheduled workday. Requests for unscheduled leave because of an emergency are to be made directly to the supervisor or designee by the employee unless his/her situation prevents personal contact. Notification to the supervisor from other than the employee does not constitute leave approval.
- B. Annual leave. Annual leave must be scheduled as far in advance as possible by the employees with their immediate supervisors. It is the responsibility of each employee to monitor his/her (use or lose) annual

leave account and to make appropriate advance requests for use to avoid losing part of their annual leave balance .

- c. Sick Leave. When an employee is absent because of illness or injury, he/she must notify his/her supervisor *as* soon as possible, unless there are extenuating circumstances beyond the employee's control. In such cases the employee must make an honest attempt to notify his/her supervisor by some other means.

Sick leave may be authorized for employees who are being treated by traditional tribal methods, traditional healers, medical professionals, and other health providers consistent with current, policies, practices, and regulations.

- (1) Extended Sick Leave. Employees must notify their supervisors daily during periods of extended sick leave, unless otherwise instructed by the supervisor., Notification, in itself, is not approval or disapproval of sick leave. Employees are required to furnish a medical certificate to support requests for sick leave in excess of 3 consecutive workdays.
- (2) Supporting Evidence. Supervisors have the right to require an employee to furnish acceptable medical documentation for sick leave when there is reason to suspect abuse, of sick leave by the requesting employee.
- (3) Advanced Sick Leave. Employees may be granted advanced sick leave. In considering requests for advanced sick leave, supervisors must approve requests prudently and in accordance with HHS Personnel Instruction 630-1. Advanced sick leave may be approved for periods of not more than 30 days under the following circumstances:
 - (a) A written request has been properly submitted, including medical certification.
 - (b) There is a reasonable assurance that the employee will return to duty and is not contemplating a resignation or retirement.

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- (c) The employee has a sufficient balance in his/her retirement account to reimburse the IHS for the advance should they decide not to return to duty,.

D. Compensatory Time Off for Religious Observances

Employees may be granted religious compensatory time for religious observances when personal religious beliefs, require them to be absent from work during periods of the workday or workweek in accordance with HHS Personnel Instruction 550-11.

Employees must request approval of compensatory time off for religious observances in advance and in writing from their immediate supervisors. The request must include all of the following information:

- (1) The date(s) and number of hours requested.
- (2) A clear explanation of the personal religious belief that requires absence from work at the time requested
- (3) The proposed date(s) on which the religious compensatory overtime work will be performed.

Religious compensatory overtime work must be scheduled within 4 pay periods before or after the requested religious compensatory time off. If an employee fails to adhere to the schedule, the time off will normally be charged to annual leave or leave without pay (LWOP) at the employee's option.

- E. Family Friendly Leave Act. The Family Friendly Leave Act (FFLA) authorizes an employee to use his/her accrued sick leave to care for family members. A family member as defined by the act is: (1) A spouse, and parents thereof; (2) children, including adopted children and spouses thereof; (3) parents; (4) brothers and sisters, and spouses thereof; and (5) any individual related by blood or, affinity whose close association with the employee is the equivalent of a family relationship.

All employees covered under the FFLA may use up to 40 hours (5 workdays) of sick leave to give care or to attend to a family member having an illness, injury, or other condition that, if an employee had such a condition, would justify the use of sick leave. Employees who maintain a balance of at least 80 hours of sick leave (after the first 40 hours/5 work days

have been deducted) may use an additional 64 hours (8 workdays) of sick leave per leave year for the above purposes.

Employees may use up to 40 hours of sick leave to make arrangements necessitated by the death of a family member or attend the funeral of a family member.

At no time may the total amounts of sick leave used under the FFLA exceed 104 hours per leave year. Supervisors may also request acceptable documentation that supports an employee's request to use sick leave under the FFLA.

- F. Leave Without Pay Leave without pay (LWOP) is not an entitlement; employees must request approval of LWOP just as they would annual leave, as far as possible in advance of actual dates of the LWOP. Disabled veterans may use LWOP as necessary for medical treatment. Reservists and National Guardsmen may use LWOP as necessary when their units are activated. Such requests would not be denied.

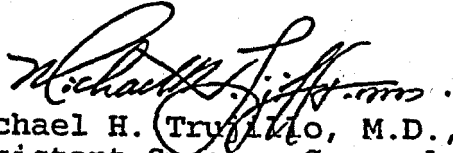
An employee may be granted LWOP in cases of illness or injury when his/her sick and/or annual leave balances have been exhausted.

Leave without pay should not be confused with Absence Without Leave (AWOL). Supervisors cannot place employees on LWOP when they fail to request leave. Supervisors can only place employees on AWOL when an employee fails to request leave and/or present an adequate reason as to why he/she did not report to work as scheduled and/or request leave.

- G. Family Medical Leave Act The Family Medical Leave Act (FMLA) provides employees with up to 12 weeks of unpaid leave to care for a family member. Paid leave can be substituted for unpaid leave. When invoking the FMLA, the requesting employee must provide his/her supervisor with medical documentation that includes a prognosis, expected duration of family members' illness, and certification by a health professional that the employee is needed to care for a member of his/her family. Under the FMLA, a family member is defined as a spouse, daughter, son, or parent.

(H) **Excused Absences.** Excused Absences are commonly referred to as administrative leave and should not be confused with absence from the office on official time. Supervisors should use care when approving excused absence. For further explanation, refer to HHS Personnel Instruction 630-1.

9. **Supersedures** This Circular supersedes the October 28, 1987 memorandum entitled "Hours of Work," and the April 23, 1985 memorandum entitled, "IHS Office Policies and Procedures."
10. **EFFECTIVE DATE** This Circular is effective upon signature by the Director, Indian Health Service.


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